

# Kentucky

# Gazette.

"True to his charge—he comes, the Herald of a noisy world; News from all nations, lumb'ring at his back."

D. BRADFORD, Editor.

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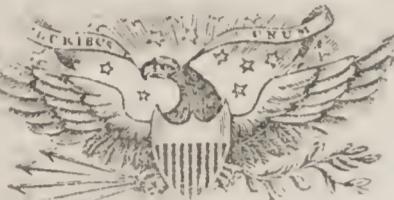
TERMS.

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BY AUTHORITY.

LAW OF THE UNITED STATES PASSED AT THE THIRD SES  
SION OF THE TWENTY-FIFTH CONGRESS.

[PUBLIC—No. 35.] AN ACT to authorize the election or appointment of certain officers in the Territory of Iowa, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Legislative Assembly of the Territory of Iowa shall be, and are hereby, authorized to provide by law for the election or appointment of sheriffs, judges of probate, justices of the peace, and county surveyors, within the said Territory, in such way or manner, and at such times and places as to them may seem proper; and after a law shall have been passed by the Legislative Assembly for that purpose, all elections or appointments of the above named officers thereafter to be had or made shall be in pursuance of such law.

Sec. 2. And be it further enacted, That the term of service of the present Delegate for said Territory of Iowa shall expire on the twenty-seventh day of October, eighteen hundred and forty; and the qualified electors of said Territory may elect a Delegate to serve from the said twenty-seventh day of October, to the fourth day of March thereafter, at such time and place as shall be prescribed by law by the Legislative Assembly, at such time and places, as the Legislative Assembly may direct, to serve for Congress, as members of the House of Representatives are now elected.

JAMES K. POLK,  
Speaker of the House of Representatives.

R. M. JOHNSON,  
Vice President of the United States,  
and President of the Senate.

APPROVED, March 3d, 1839.

M. VAN BUREN.

[PUBLIC—No. 31.] An act making appropriations for preventing and suppressing Indian hostilities for the year eighteen hundred and thirty-nine.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums amounting to one million eight hundred and four thousand seven hundred and seventy-four dollars be, and the same is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to defray the expenses which have been, or may be, incurred, in preventing or suppressing the hostilities of any Indians, in the year eighteen hundred and thirty-nine, to be expended under the direction of the Secretary of War, conformably to the acts of Congress of the nineteenth of March and the second of July, eighteen hundred and thirty-six, and of the acts therein referred to:

For forage for the horses of the second dragoons, mounted volunteers and militia officers, entitled to forage in kind, and for horses, mules, and oxen, in the service of trains, three hundred and ninety-two thousand eight hundred and thirty-one dollars;

For freight or transportation of military supplies of every description from the places of purchase to Florida, two hundred and fifty-four thousand six hundred and twenty-eight dollars;

For the purchase of wagons, harness, boats and lighter, horses, to keep up the trains, tools, leather and other materials for repairs, ninety-two thousand dollars;

For the transportation of supplies from the principal depots to the several posts, as well as troops, when they move by water, including the hire of steamboats and other vessels for the service in the rivers and on the coasts, and the expense of maintaining and sailing the several steamers and transport schooners connected with the operations of the army, three hundred thousand dollars;

For the hire of mechanics, laborers, mule-drivers, teamsters, and other assistants, including their subsistence, and for soldiers on extra duty, conformably to law, one hundred thousand dollars;

For the transportation of the militia or volunteers while marching to and from the scene of operations, thirty thousand dollars;

For miscellaneous expenses of all kinds, not embraced under the foregoing heads, and which, from their contingent character, cannot be specified, four hundred thousand dollars;

For accoutrements and arms for infantry and cavalry, including militia, infantry and cavalry, ammunition for men and field artillery, and repairs of arms, and for contingencies, seventy-one thousand dollars.

For the pay of such militia and volunteers as may have been or may be called into the service of the United States, in addition to the unexpended balance of the appropriation for the payment of four thousand volunteers for the year eighteen hundred and thirty-eight, one hundred and fourteen thousand three hundred and fifteen dollars.

For the purpose of holding a treaty with the Seminole Indians, five thousand dollars.

For the purchase and maintaining in active service three vessels of light draught of water, to cruise along the coast of Florida, for the protection of the lives and property of the citizens, fifty thousand dollars.

For paying the value of the horses and equipage of the Tennessee and other volunteers who have at any time been in the service of the United States in the Territory of Florida, and which were turned over to the Government, by order of the commanding general or other commanding officer, said value to be ascertained by the appraisement of said value when the [the] volunteers entered the service, fifty-two thousand dollars. And the provisions of acts approved and in force at various periods since eighteen hundred and twelve, authorizing payment for horses lost in the service of the U. S. by rangers, militia and volunteers, are hereby revived and extended for two years from and after the passage of this act, and under the action of the Third Auditor, shall be deemed to embrace all cases not already satisfied, in the United States.

of horses lost to their owners in service as aforesaid, in battle or otherwise, when care and diligence be rendered manifest on the part of the owner; and if the death or loss of ranger's horses shall have occurred for want of forage, it be at places where acting in obedience to the orders of commanding officers, forage could not have been procured by proper vigilance on the part of the owner. No payment, however, shall be made for horses or other property lost or destroyed, when the loss or destruction shall have been occasioned by the fault or neglect of the owner, or where by the terms of the contract, the risk was upon the owner of the property; and no greater sum of money than the fifty-two thousand dollars appropriated by this section, shall be drawn from the Treasury by reason of its provisions.

Sec. 2. And be it further enacted, That no part of the money appropriated by this act, shall be applied to the payment of any volunteers, except for arrearages, or for any expenses growing out of the employment of any volunteers for the year eighteen hundred and thirty-eight.

APPROVED, March 3d, 1839.

[PUBLIC—No. 37.]

AN ACT making appropriations for the support of the army for the year one thousand eight hundred and thirty-nine.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the following sums be, and the same are hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the support of the army during the year one thousand eight hundred and thirty-nine, that is to say:

For the pay of the army, one million five hundred and thirty-four thousand eight hundred and thirty-two dollars.

For the subsistence of officers, four hundred and seventy thousand seven hundred and fifty-four dollars.

For forage of officers' horses, one hundred and eleven thousand one hundred and fifteen dollars.

For payments in fees of clothing to discharged soldiers, and to officers, in lieu of clothing for their servants, fifty-nine thousand four hundred dollars.

For subsistence, exclusive of that of officers, one million one hundred and twenty-two thousand eight hundred and thirty-one dollars.

For clothing of the army, camp and garrison equipage, cooking utensils, and hospital furniture, four hundred and seventy-three thousand four hundred and thirty-five dollars.

For the medical and hospital department, twenty-four thousand four hundred dollars.

For the regular supplies furnished by the quartermaster's department, consisting of fuel, forage, straw, stationery, and printing, two hundred and forty-five thousand five hundred dollars.

For pay of officers, cadets, and musicians, fifty-nine thousand two hundred and twenty-eight dollars.

For subsistence of officers and cadets, forty thousand four dollars.

For forage of officers' horses, three thousand nine hundred and thirty-six dollars.

For clothing of officers' servants, three hundred and ninety dollars.

For defraying the expences of the board of visitors at West Point, two thousand dollars.

For fuel, forage, stationery, printing, transportation, and postage, twelve thousand five hundred and eighty-one dollars and forty-five cents.

For repairs, improvements and expences of buildings, grounds, roads, wharves, boats, and fences, seven thousand two hundred and twenty-one thousand dollars and sixty cents.

For pay of adjutant's and quartermaster's clerks, nine hundred and fifty dollars.

For increase and expenses of the library, one thousand dollars.

For miscellaneous items and incidental expences, seven hundred and thirty-one dollars and fifty cents.

For the department of engineering, three hundred dollars.

For the department of philosophy, twelve hundred dollars.

For the department of mathematics, ninety-seven dollars and fifty-four cents.

For the department of chemistry, eight hundred and twenty-seven dollars and fifty cents.

For the department of drawing, two hundred and eighty-five dollars.

For the department of tactics, three hundred and sixty dollars.

For the department of artillery, two hundred and seventy-five dollars.

For a reservoir, three thousand one hundred and eighteen dollars.

For two fire engines, with hose complete, one thousand and nine hundred dollars.

For the completion of the buildings for the library and engineering, philosophical and chemical departments, in addition to the appropriation of eighteen hundred and thirty-eight, sixteen thousand six hundred and forty-nine dollars and fifty cents.

See 4. And be it further enacted, That payment shall be made under the direction of the Third Auditor, to the Missouri volunteers, whose horses were lost, or cast away at sea, or which perished or died in consequence of suffering at sea, in the voyage from New-Orleans to Tampa Bay, in the year eighteen hundred and thirty-seven, and that the sum of thirty-five thousand dollars, out of any money in the Treasury not otherwise appropriated, to be paid, and the same is hereby appropriated, to be expended in the manner in this section prescribed, shall be in addition to any materials now on hand, applicable to the construction of the said steam vessels.

And when it shall appear that erroneous valuations have been made of such property, with a view to defraud the Government, the Secretary of War shall suspend payment therefor until a satisfactory investigation can be made, and it shall be made to appear that such valuation was made in good faith.

APPROVED, March 3d, 1839.

LEXINGTON, KY. THURSDAY, MAY 30, 1839.

NO. 22.—VOL. 54.

For Fort Monroe, ten thousand dollars.

For Fort Calhoun, fifteen thousand dollars.

For fortification in Charleston, South Carolina, and for the preservation of the site of Fort Moultrie, ten thousand dollars.

For Fort Pulaski, at Savannah, fifteen thousand dollars.

For Fort Marion, and sea-wall at St. Augustine, ten thousand dollars.

For port on Foster's bank, Pensacola, five thousand dollars.

For contingencies of fortifications, ten thousand dollars.

For incidental expenses attending the repairs of fortifications, and for the purchase of additional land in the neighborhood, fifty thousand dollars.

For the fort at Grande Terre, being the amount of a former appropriation carried to the surplus fund, fifteen thousand dollars.

For the preservation and repair of Fort Niagara, thirty thousand dollars.

For repairing and rebuilding the old fort at Oswego, including the construction of the necessary barracks, twenty thousand dollars.

For barracks and other buildings at Sackett's Harbor, ten thousand dollars.

For barracks and other buildings at Plattsburg, twenty thousand dollars.

For fuel, sixteen thousand two hundred and seventy dollars.

For keeping the present barracks in repair until new ones can be erected, and for the rent of temporary barracks at New York, ten thousand dollars.

For the transportation of officers, non-commissioned officers, musicians and privates serving on shore, servants and washerwomen, forty-five thousand and fifty dollars.

For clothing, forty-three thousand six hundred and sixty dollars.

For fuel, sixteen thousand two hundred and seventy dollars.

For contingencies of fortifications, ten thousand dollars.

For pay of the officers, non-commissioned officers, musicians and privates, and subsistence of the officers of the marine corps, one hundred and seventy-four thousand dollars.

For the provisions of the non-commissioned officers, musicians and privates serving on shore, servants and washerwomen, forty-five thousand and fifty dollars.

For clothing, forty-three thousand six hundred and sixty dollars.

For fuel, sixteen thousand two hundred and seventy dollars.

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KENTUCKY LEGISLATURE.  
In the House of Representatives, Feb. 20, 1839.

A BILL from the Senate, entitled, an act authorizing the South-western Railroad Bank to establish a branch in this State—was read the first time, as follows, viz:

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Railroad Company incorporated by the States of North Carolina, South Carolina and Tennessee, by the name of the Louisville, Cincinnati and Charleston railroad company, shall be called and known as a body corporate in all the States aforesaid, by the name of the Louisville, Cincinnati and Charleston railroad company; and that the corporators in said railroad company, shall form a separate body corporate, in deed and in law, for banking purposes in each of the States of North Carolina, South Carolina, Tennessee and Kentucky, as shall assent thereto and be called and known by the name of the South Western railroad bank, provided that the assent of not less than three of the aforesaid States shall be given thereto before the Bank shall have corporate existence.

Sec. 2. The said banking company shall be formed in the following manner, and be vested with the following powers, and subject to the following restrictions; that is to say: Each of the present stockholders, and every person who may hereafter become a stockholder, in the railroad company, until the capital shall be increased to twelve millions of dollars; or in the said bank, under the laws of either of the States of Kentucky, Tennessee, North Carolina or South Carolina, shall be entitled, for every share in the railroad company, of one hundred, to take or hold one share in the bank, of fifty dollars; so that the capital of said bank may, in the first instance, amount to the sum of six millions of dollars. The directors of the said railroad company shall cause books to be opened to the community at large, in the State of Kentucky, at all places where books were opened for the first subscription of stock in said railroad company, and such other places as the said directors may designate, by such commissioners as the directors may appoint, from ten o'clock in the morning to two o'clock in the afternoon of each day, for a period not less than thirty days, except Sundays, for the purpose of increasing the stock of said railroad company to twelve millions of dollars, and of receiving subscriptions to the said bank; and all persons who shall, at the time of subscribing, pay in specie, or the notes of specie paying banks, all such instalments as shall therefore have been called in by the railroad company, together with the first instalments of twelve dollars and fifty cents for the bank, shall, together with such stockholders as have or may become copartners under the laws of either of the States aforesaid, be a body corporate in the State of Kentucky, by name of the South-western railroad bank. If, on closing the books, the subscriptions shall have increased the bank capital beyond the amount prescribed by the charter of either of the said States, the subscriptions hereby directed shall be reduced ratably and in proportion to their respective amounts. And in case the subscriptions shall not reach the sum allowed by the said charter, books may be opened for subscription at any other time and place, by the directors of the bank, provided that new stockholders shall only be admitted by paying the same amounts, and incurring, in every respect, the same liabilities as at the time of their admission, have been paid and incurred, both to the bank and railroad company, by the original stockholders. And in all cases, the amounts subscribed and paid for the bank, shall be paid to the bank corporation; and the amounts subscribed and paid for the railroad, shall be paid to the railroad company.

Sec. 3. The president and directors already elected by the stockholders in the bank, shall serve for one year from the election; and annually thereafter, on such days as shall be fixed by the bank corporation, there shall be an election of thirteen directors of the bank, and those who are elected by plurality of votes, shall be capable of serving as such only, for one year, but shall be eligible. In case of death, resignation, or removal from office by the stockholders, of a director, his place may be filled by the other directors for the remainder of the year. In all meetings of stockholders of the bank, votes may be given in person or in proxy, on the same terms and according to the same scale as is prescribed for voting in person or by proxy in meetings of the railroad company except that no person shall act as proxy in the bank, unless he be a stockholder therein.

Sec. 4. But should the day of annual election pass without any election of directors, the bank shall not be thereby dissolved, but it shall be lawful on any other day, to hold and make such election in such manner as may be prescribed by a by-law of the bank corporation.

Sec. 5. The directors of the bank shall be resident citizens of the State, and stockholders of the bank, and, at the first meeting after their election, they shall appoint one of their number to be president of the bank; they shall appoint all of the officers of the bank, and the president, directors and cashiers of its branches, all of whom they may remove at pleasure; and may also, at pleasure, remove all the officers of the branches which shall have been appointed by the president and directors of such branches: Provided, however, that the president and directors so appointed, of the branch of the said railroad bank in this State, shall be stockholders in said bank, and resident citizens of this State. No director, or partner of a director, of another bank shall be a director of this bank, or in any other of its branches: nor shall any person act as a director who may be under protest in said bank as a drawer or endorser of any note, or bill of exchange, held by said Bank, either for discount or collection, unless he shall prove to the satisfaction of a majority of the directors, that he has just and sufficient cause for refusing payment on the demand on which said protest may be found.

Sec. 6. The president and directors of the bank may call for a second installment of twelve dollars and fifty cents upon the capital of the bank, as soon as they may deem proper, upon giving one month's notice thereof, by publication, in at least two news papers in each of the States assenting thereto; the subsequent instalments, they may deem necessary, provided, that similar notice be given, and payment at least thirty days, and provided also, that no calls for any instalment, subsequent to the two first, shall be made until an amount equal to such call shall have been previously called in by the railroad company, and shall actually been expended in constructing the railroad, or shall be necessary to meet contracts actually made on account of the same. When the instalments paid in for the capital of the said

bank shall amount to six millions of dollars, the capital shall not be further increased, until six millions of dollars shall have been actually called in, and expended on the railroad; after which, the capital of the bank shall be increased only by calling for instalments, equal in amount to those which may be called for by the railroad company, until the said capital shall reach the limit of twelve millions of dollars; provided the capital of the bank shall not exceed six millions, until the railroad shall have been extended to the State of Tennessee, and that shall not exceed nine millions, until it shall be extended to the southern boundary of Kentucky, and that it shall not be increased to twelve millions, until it shall be extended to Lexington, in Kentucky; provided, also that any instalment shall not be paid when called for, shall, with all the payments made thereon, be forfeited to the bank; but such default shall not induce a forfeiture to the corresponding railroad shares.

Sec. 7. The board of directors of the railroad, and of the bank, shall, also, be distinct and separate. The bank shall never be liable for the debts of the railroad company, but the railroad company shall be liable for the debts of the bank in case of failure, except that shares in the railroad, which have no corresponding shares in the bank shall not be liable to the debts of the bank.

Sec. 8. The president and directors of the bank shall make up, annually, a full statement of the affairs thereof, as they may stand on the first day of October, and also, of the affairs of each of the branches on that day, as rendered to them by the president and directors of such branch, and shall send one company thereof, certified by the president and cashier, to each of the Governors of the said States, to be laid before their respective Legislatures.

Sec. 9. The mother or principal bank shall be located at Charleston; and the said bank may establish branches or have agencies thereof in any State, with the consent of the Legislature thereof. And it is hereby declared that the said bank shall not have corporate existence, unless two of the States of North Carolina, Tennessee and Kentucky, shall consent to the establishment of branches therein.

Sec. 10. The bank shall never issue any note, or draw a check which is payable to order or bearer, of a less denomination than five dollars, until the road is completed, nor less than ten dollars, after the completion of the said road; nor shall it ever put in circulation notes payable to order or bearer to an amount exceeding double its capital; and in case it shall not redeem its notes in current coin of the United States, when demanded at the bank or branch where such notes are payable, such notes shall thenceforth bear interest at the rate of twelve per cent, per annum; and for such failure and refusal, by the branch located in Kentucky, to redeem their notes and other liabilities in gold or silver coin when demanded, the General Assembly may order a *scire facias* to be sued out from the General Court, and a judgment of a forfeiture, of the charter granted by this State, declared.

Sec. 11. Neither the bank or its branches shall lend money on the pledge of its own or the stock of the railroad, until three fourths of the capital of the railroad company shall have been paid in; and then only to one half of the said stock; and the Bank shall never permit the railroad company to overdraw.

Sec. 12. Each branch of the said bank shall be an office of discount and deposit; it shall have a board to consist of a president and not less than six directors, with a cashier, and such other officers as the business of the branch may require. The board shall conform to all orders it may receive from the president and directors of the bank, and shall possess such powers as the said president and directors may confer on them, consistently with this charter.

Sec. 13. And the said corporation, by its name and style aforesaid, shall be and is hereby made a public, in law, to contract and be contracted with to sue and be sued, plead and be impleaded, answer to be defended, in all courts and places, as natural persons, with full power and by authority to acquire, hold, possess, use, occupy and enjoy, to sell, convey and dispose of all such real estate, goods, effects and chattels, as shall be convenient for the transaction of its business, or which may be conveyed to said bank as security for any debt, or which may be received in discharge of any debt, or purchased in satisfaction of any judgment in favor of the bank, or in the purchase of any property on which the said bank may have a lien; also, to have and use a common seal, and the same to break, alter and renew, at pleasure; to discount promissory notes at the rate of interests not exceeding one per cent, for sixty days; to deal in exchange, gold and silver bullion, and to discount bills of exchange; and said bank shall not, directly or indirectly, deal or trade in any thing except loaning money at the rate of interest aforesaid, and in exchange, and in gold and silver bullion, or in the sale of goods, chattels, rights and credits, really and truly pledged for money lent and not redeemed in time, or goods, the proceeds of its lands; and also to ordain, establish, and put in execution such by-laws, ordinances and regulations as shall seem necessary and convenient for the government of said corporation, not being contrary to the laws of the said States, or of the United States, or the constitutions thereof, and generally to do and execute all and singular such acts, matters and things, as may be deemed necessary and proper for the good government and management of said corporation, and subject, nevertheless, to such regulations, restrictions, limitations and provisions, as are hereby prescribed and declared.

Sec. 14. That the total amount of debts which the said corporation shall at any time owe, shall not exceed twice the amount of its capital stock paid in, exclusive of the amount of money then actually deposited in the bank for safe keeping, and in case of excess, the directors, under whose administration such excess shall happen, shall be liable for the same in their private and individual capacities, and an action may, in such case, be brought against them, or any of them, their, or any of their heirs, executors or administrators, in any court having competent jurisdiction, by any creditor or creditors of the said corporation, and may be prosecuted to judgment and execution, any condition, covenant or agreement to the contrary notwithstanding; but this shall not be construed to exempt the said railroad company, or the said bank, or the lands, tenements, goods or chattels of the same, from being also liable for said excess; and such of the said directors as may have been present when such excess was contracted or enacted, or such as may have dissented from the resolution or act whereby the same was contracted or enacted, may, respectively, exonerate themselves from being thus liable, by forthwith giving notice of the act and of their absence, or their dissent, to the stockholders, at a general meeting to be called for that purpose.

Sec. 15. That dividends shall be made, at least twice in every year, by the said corporation, of so much of the profits of the said bank as shall appear to the directors advisable; and once in every year the directors shall lay before the stockholders, at a general meeting, for their information, the amount of surplus profits, if any, after deducting losses and dividends.

Sec. 16. That no officer of said bank, other than a director, not being present, shall be permitted, either directly or indirectly, to carry on the business of trade of merchandise, factorage, brokerage, vendue, or the exchange of money or bills for profit; and every such officer, so trading, shall be removed from office by the directors, and shall not be re-eligible to any office in said bank or its branches. That no director, or any other officer of the said bank, shall, directly or indirectly, receive any compensation for any agency, for negotiating any business and its branches, in procuring discounts, renewing notes, or receiving money for individuals, or notes discounted; and any such director, or other officer, thus receiving compensation, shall be removed from office, and disqualified from thereafter holding any office, in said bank or its branches.

[TO BE CONCLUDED.]

## KENTUCKY GAZETTE.

LEXINGTON:  
THURSDAY, MAY 30, 1839.  
FOR PRESIDENT,  
MARTIN VAN BUREN.  
FOR VICE PRESIDENT,  
RICHARD M. JOHNSON.

We are authorised to announce JOHN C. MAXWELL, Esq., as a candidate to represent the county of Bath, in the next house of Representatives.

An article appeared under the Editorial head in the last Gazette, which we did not observe until the paper was issued, which would seem to point especially to two of our very worthy mechanics, to the exclusion of others in the same line of business. Although the ware-rooms of Mr. Mathers and Mr. Dimick, exhibit fine samples of cabinet ware, they are not superior to those of Mr. March, (who has probably much the largest stock in Lexington,) or of Mr. Milward. In all these rooms there is much of taste and elegance to gratify all who may be disposed to call.

THE CROPS—THE SEASON.—From all parts of the State, and, in fact, from the whole country, the accounts are most favorable as to the abundant appearance of the approaching harvest. It is true, from Alabama and Tennessee we have accounts of great destruction by the *army worm*; but by ditching, and turning the hogs upon them, their ravages have been measurably stopped. The prospect for corn, hemp, and every vegetable production, is said never to have appeared more favorable. And if our farmers would be convinced that the rearing of those articles are much more important to the prosperity of the country than the manufacture of bank notes, then indeed it might be said that our beloved country was in a truly prosperous condition.

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Last week the weather was unusually hot for the season—the Mercury ranging from 80 to 87 degrees. On Sunday evening refreshing showers of rain commenced, accompanied by thunder and lightning, which continued, with intermissions until about 12 o'clock on Monday, when the wind changed, coming from north-west—the clouds dispersed, and by 5 o'clock on Tuesday morning, the Mercury had fallen to 55.

On Sunday night the dwelling house of Richard Pindell, Esq., between two or three miles from Lexington, was struck by a severe flash of lightning, and the roof was considerably injured, and although the family were all in the building, we are happy to say no person received even a shock from the electric fluid.

The expense of a lightning rod is very trivial, and no building should be left unprotected by the genius of the immortal Franklin.

COL. JOHNSON.—It seems, after all, that this gentleman is desirous of being considered a candidate for re-election to the Vice Presidency. Consequently numbers of the *Loco Foco* paper have placed his name upon their flags. If we mistake not, this is the harbinger of some little dissatisfaction in the ranks of the administration. But the Kinderhook statesman has too much tact to permit this trouble to interfere, materially, with his well digested plans. Many of the eastern papers had quietly settled down upon Mr. Forsyth as the *Colonel's* successor, but the Georgia gentleman's ambition must persist, submit to the curb. Cannot he be reconciled by the offer of a seat in the cabinet, or something of that character?

The foregoing is copied from the *Cincinnati Republican*, once entitled to the appellation, from its supporting republican principles, but having sometime since abandoned them and joined the conservatives, and since that time been a "shining light" to the Whigs. We would ask the learned and observant editor of this paper, what seat in the Cabinet he would select for Mr. Forsyth? Is he not now "in the line of safe precedents?" or who is Secretary of State? He should certainly enlighten his readers on the latter subject.

An article appeared in the Lexington *Intelligencer* of Tuesday last, under the *Editorial head*, the object of which could not be mistaken. We allude to that headed "ARKANSAS BONDS," &c. That the object was to injure Col. Johnson, the Vice President, there can be no doubt. Arkansas the Democratic State, which is represented as having suffered, has never been a favorite with the Whigs; then why any sympathies for her? But take the account as represented by the *Intelligencer*, and where is any dereliction of duty on the part of Col. Johnson? It is stated that the Col.

borrowed from the Arkansas agents \$30,000, and executed a mortgage upon 40 slaves, besides lands to secure the payment—the agents of Arkansas, failed to have the mortgage recorded, and it would seem that Col. Johnson is held responsible for the dereliction of duty on the part of said agents!

Is it sinful for an individual to borrow money?

If it is, we should advise most of the Whig editors to come to the confession, and ask absolution.

According to the showing of the *Intelligencer*, Col. Johnson has done all that was expected of him, and no censure whatever can attach to him in the transaction; and we are confident that no such tale can, in the smallest degree, shake the confidence of the democracy in the integrity of Col. Johnson.

Our neighbor of the *Intelligencer* is in a truly pitiable condition. With all his ambition to be considered the oracle of Mr. Clay, that however, has not been awarded him by any of his contemporaries, but has universally been given to the *Observer* and *Reporter*. In fact, one of his Whig friends, (*The New York Express*) has charged him with publishing the leading *Loco Foco* paper in Kentucky, and of being particularly favorable to the re-election of Col. Johnson to the Vice Presidency!

I further propose that there be one or two selected for the purpose of observing promptness and regularity in the conflict that individual stationed central between us provided with a good scimitar for each charged with cognac ac brandy he to be anchored in the centre under the immediate fire of the contending parties and that either should be dissatisfied with the distance that the one so dissatisfied & both of them are at liberty to leap from there respective stations and dive at the stations of the horns and then close the contest by mutual concord or by strife.

I further propose that each be provided with an attendant to dress the wounds that may be sustained on the occasion and also a water carrier to supply our machines when in full operation and that before the contest shall go in to effect that each party have provided a large tub filled with water for the commencement and keep up until each one is satisfied.

On my part I chose Sam Settire as he is in that habit and in practice of carry water for my carrier—drink to be provided with a large cask full of the water that may be turned on me or you—had better provide for yourself with your own canteen if you are willing and will meet me there. The people will assemble largely of which I have no objections to all that will see to the fight to attend. Provided they will not crowd on our charge do affairs of line of battle where they may expect a heavy shower.

No man's but be pun trial on my part I choose Colonel ————— to command the fleet in this action yours

### A WORD TO OUR CITY AUTHORITIES.

From the great profusion with which they levy taxes to make donations, it is presumed they must have plenty of funds for all necessary *Internal Improvements*; but why, we ask, why is this neglected? In one of my mornings perambulations I witnessed trials made at *four* several jumps on main-street, and all four were as dry as the same number of *powder horns* ought to be.—Thanks to myself, we should be in a bad row for stumps if a fire should break out. I would therefore just ask the City Council if they had not better import

A FUM MAKER.

### QUERIES—TO THE CITY AUTHORITIES.

1st. Did not the citizens of Lexington, (I mean those of the lower end of the City,) build by subscription a market-house in the said lower end of the City?

2d. Did not the dignitaries then in office take possession of said market-house?

3d. Did they not shortly afterwards, lease the said market-house, thus built by subscription, to the Lexington and Ohio rail road company?

4th. Has not that aforesaid market-house alias ware-house, been converted into a stable? is it not laid off—(at least a part of it) into stalls for horses? and is it not now used as a stable?

5th. If it is a fact that this market-house, alias ware-house, alias horse-stable, built by private subscription, for no other purpose than a market house, and taken possession of by those then placed in a "little brief authority," and rented by them at a very small sum per annum for a rail-road ware-house, if, I say, the market house, alias ware-house, is thus turned into a horse stable, does not this act cancel the lease, and should not the aforesaid market-house revert to the citizens to be them used as a market-house, for which it was first built? These questions are asked by one of those aggrieved.

A FROG.

The subjoined paragraph is one among the many proofs of the inflexible severity with which the criminal laws of England are enforced.

The person imprisoned for participating in the *Wimbledon* duel, and who were sentenced to twelve months' imprisonment in *Guilford* jail lately petitioned for certain indulgences, such as having milk for breakfast instead of gruel—permission to read the daily papers, and more unrestricted intercourse with their friends. The court refused the application on the ground that the previous station held in society by the prisoners, offered no sufficient alleviation of the punishment due to their crime.

ITEMS FROM OUR FILES OF ENGLISH PAPERS.—Sir Walter Scott, for the whole of his writings, now comprised in eighty volumes, received not less than £250,000.

Mr. Macaulay, Dr. Southey, Sir John Barrow, and other eminent men, have received at times one hundred guineas for a single article in the Quarterly and *Edinburgh Review*.

The negro population of Africa is supposed to amount to very near a hundred million; in America the negro race may be taken at eight millions, the European at twenty.—*Quarterly Review*.

CONNECTICUT U. S. SENATOR.—The Hartford Court says that the Hon. Dominic Kersey, United States Senator, has resigned his office on account of ill health. It will devolve upon the Legislature now in session to fill the vacancy.

It is stated in the N. York papers, that Wm. Legget, Esq. late of the *Evening Post*, and the *Plain Dealer*, has been appointed Charge des Affaires to Guatemala.

*Pennsylvanian*.

As the locomotive was passing a bridge over the Raritan, N. J. on Wednesday the 1st, two boys who were playing in the neighborhood perceived that the bridge took fire. One of them proposed to let it burn! The other brought water in his cap, and extinguished the fire. The Directors of the Rail-road Company voted the latter a suit of clothes.

## NOTICE.

Rev. E. Mansfield, (Universalist) will preach in the Court-House on Sunday next at the usual hours.

## DEFENCE OF MY CIGAR.

Nay, lady, never knit thy brow,  
This harmless weed to see;  
Nay—scorn it not—for, lady, know,  
Tis but a type of thee.

Woman, of nature's works, the best,  
And then the fairest fair,  
Can soothe at will my troubled breast—  
But so can my cigar.

Its form, so lady-like and slim,  
No waist but thine can vie—  
The lustre of its glow might dim  
All but my Mary's eye.

The grateful fumes around me twined,  
Are like thy charities—  
The incense of a virtuous mind,  
That heavenward doth arise.

One fate, alas, must both attend,  
Ah! that impious must—  
Thy bright career, like it, must end,  
And what remains but dust?

See, how it gracefule bends to me,  
And seems to woo the lip—  
Thou know'st where mine would rather be,  
Did it but dare to sip.

Then if the weed thou'dst have me flee,  
Let not the time be long,  
My lip may be as free with thee,  
Nor thou declare it wrong.

## A MOTHER'S GRAVE.

I followed into a burying ground, in the suburbs of the city, a small train of persons, not more than a dozen, who had come to bury one of their acquaintance. The clergyman in attendance, was leading a little boy by the hand, who seemed to be the only relative of the deceased in the slender group.—I gathered with them around the grave, and when the plain coffin was lowered down, the child burst forth in uncontrollable grief. The little fellow had no one left to whom he could look for affection, or who could address him in tones of parental kindness. The last of his kinsfolk was in the grave—and he was alone.

When the dolorous grief of the child had a little subsided, the clergyman addressed us with the customary exhortation to accept the monition, and be prepared; and turning to the child, he said; "She is not to remain in this grave for ever; as true as the grass which is now chilled with the frost of the season, shall spring to greenness and life in a few months, so true shall your mother come up from that grave to another life of happiness, I hope."—The attendant shovelled in the earth upon the coffin, and some one took little William, the child, by the hand, and led him forth from the lowly tenement of his mother.

In the ensuing spring, I was in the neighbourhood of the same burying ground, and seeing the gate open, I walked among the graves for some time, reading the names of the dead, and wondering what strange disease could snatch off so many younger than myself—when recollecting that I was near the grave of the poor widow, hurried the previous autumn, I turned to see what had been done to preserve the memory of one so utterly destitute of earthly friends. To my surprise, I found the most desirable of all mementos for a mother's sepulchre—little William was setting near the head of the now sunken grave looking intently upon some green shoots that had come forth with the warmth of spring, from the soil that covered his mother's coffin.

William started at my approach and would have left the place; it was long before I could get him to tarry; and indeed I did not win his confidence, until I told him that I was present when they buried his mother, and had marked his tears at the time.

"Then you heard the minister say, that my mother, would come up out of this grave," said little William.

"I did."

"It is true, is it not?" asked he, in a tone of confidence.

"I most firmly believe it," said I.

"Believe it," said the child—"believe it—I thought you knew it—I know it."

"How do you know it, my dear?"

"The minister said, that as true as the grass would grow up, and the flowers bloom in spring so true would my mother rise. I came a few days afterward, and planted flower seed on the grave.—The grass came green in this burying ground long ago; and I watched every day for the flowers, and to day they came up too—see them breaking through the ground—and by many will come again."

A smile and exulting hope, played on the features of the boy; and I felt pained at disturbing the faith and confidence at which he was animated.

"But my little child," said I, "it is not here that your poor mother will rise."

"Yes, here," said he, with emphasis—"here they put her, and here I have come ever since the first blade of grass was green this year."

I looked round, and saw that the tiny feet of the child had trod out the herbage at the grave side, so constant had been his attendance. What a faithful watch-keeper—what mother would desire a richer monument than the form of her only son bending fearless, but hoping, over her grave?

"But, William," said I, "it is in another world that she will arise"—and I attempted to explain to him the nature of that promise which he had mistaken. The child was confused, and he appeared neither pleased nor satisfied.

"If humanity is not coming back to me—if she is not to come up here, what shall I do—I cannot stay without her."

"You shall go to her," said I, adopting the language of the Scripture—"you shall go to see her, but she shall not come again to you."

"Let me go then," said William—"let me go now, that I may rise with mommy."

"William," said I, pointing down to the plants just breaking through the ground, "the seed which is sown there would not come up, if it had not been sown; so you must wait till your appointed time, until your end cometh."

"Then I shall see her."

"I surely hope so."

"I will wait then," said the child, "but I thought I should see her soon—I thought I should meet her here."

And he did. In a month William ceased to wait; and they opened his mother's grave, and placed his little coffin on her's—it was the only wish the child expressed in dying. Better teachers than I, had instructed him in the way to meet his mother, and young as the little sufferer was, he had learned that all the labours and hopes of happiness short of heaven, are profitless and vain. [U. S. Gaz.

MARRIED—On the 28th inst., by the Rev. W. Holman, Mr. John W. PREWITT, of Frankfort, to Miss ANARYLLIS A. A. CONOVER, of this city.

At a meeting of the citizens of Mortonsville and vicinity, on the 23d of May, 1839, to express their sense of the worth of the late DR. SAMUEL M. WILSON, who departed this life on the 15th inst. Maj. Samuel McCoun was called to the chair, and Capt. Hiram Wilson his appointed secretary.

The following testimonials were then read and unanimously adopted:

We do solemnly feel in the death of this worthy physician, that the town and country has suffered a loss that will be difficult to repair, and to his friends and relatives utterly irreparable. And as friends and patrons of the deceased we do deeply sympathise with his disconsolate widow, and father, brothers and sisters. His death will be deeply deplored by all who knew his worth-ambitious and consolatory in the circle of his friends, kind and affectionate in his family. He has left an extensive practice, and the sympathy of his patients follow him. In his death the cause of medicine has much to deplore; but none will feel his loss so sensibly and so long as his young and lovely wife and his fatherless children. Doctor Wilson, when seated by the sick and dying, was always kind and ready to administer to their wants with cheerfulness to the last.

Therefore resolved, That the following editors be requested to publish the foregoing in their respective papers—Journal, Advertiser, and Banner, Louisville; Commonwealth, Frankfort; Intelligence and Gazette, Lexington, and they will receive the thanks of the meeting.

SAMUEL MCCOUN, Ch'n.  
H. WILHOIT, Sec'y.

## House for Rent.

A small, comfortable family residence, on Main street, for Rent. Possession to be had the 22d June. Apply to the editor of this paper.

May 30, 1839. 22-1f.

## NEW FIRM.

HUEY & FENWICK respectfully inform the citizens of Lexington, and the public generally, that they have formed an association for the purpose of carrying on

## TAILORING BUSINESS.

No. 26, Main street, adjoining Scarf & Edge's Saddle Shop, and opposite Drake & Brothers' Wholesale Grocery. From their experience, in and by strict attention to their business, they confidently assure the public, that any work entrusted to them will be CUT AND MADE UP in the best, neatest and most fashionable manner, as one of the firm will superintend, in person, the making up of all work.

ESPECIAL CARE will be taken in cutting garments for ladies to make up. They respectfully solicit the patronage of their friends and the public generally.

WILLIAM HUEY,  
DAVID FENWICK.

May 23, 1839. 21-3t.

## Unexampled Mammoth Scheme!!

THE following details of a Scheme of a Lottery to be drawn in December next, warrants us in declaring it to be unparalleled in the history of lotteries. Prizes to the amount have never before been offered to the public. It is true there are many blanks, but on the other hand the extremely low charge of \$20 a ticket, the value and number of the Capitals, and the revival of the good old custom, of warranting that every prize shall be drawn and sold, will, we are sure, give universal satisfaction, and especially to the six hundred Prize-Holders.

To those disposed to adventure, we recommend early application to be made to us for tickets—when the prizes are all sold, blanks only remain—the first buyers have the best chance. We, therefore, emphatically say, DECEMBER NOT, but at once remit and transmit to us your orders, which shall always receive our immediate attention. Letters to be addressed, and applications made to

SYLVESTER & CO.  
156, Broadway, New York.

Observe the number, 156.

**\$700,000!! \$500,000!! \$25,000!!**

6 prizes of \$20,000! 2 of \$15,000,

and 3 of \$10,000!

Grand Real Estate and Bank Stock Lottery, of property situated in New Orleans.

The richest and most magnificent scheme ever presented to the public in this or any other country.

**TICKETS ONLY TWENTY DOLLARS.**

Authorised by an act of the Legislative Assembly of Florida, and under the direction of the Commissioners, acting under the same.

To be drawn at Jacksonville, Florida, December 1, 1839.

Schmidt & Hamilton, Managers—Sylvester & Co. 156, Broadway, New York, Sole Agents.

**NO COMBINATION NOS.**

100,000 Tieke's, from No. 1 upwards, in succession.

The deeds of the property and the stock transferred to trust to the Commissioners appointed by the said act of the Legislature of Florida, for the security of the Prize Holders.

## SPLENDID SCHEME.

1 Prize, THE ARCADE, 286 feet, 5 inches, 4 lines, on Magazine street; 101 feet, 11 inches on Natchez street; 126 feet, 6 inches on Gravier street; rented at about \$37,000 per annum—valued at \$700,000

1 prize, CITY HOTEL, 162 feet on Common street; 126 feet, 6 inches on Camp street; rented at \$25,000—valued at \$500,000

1 prize, DWELLING HOUSE, adjoining the Arcade, No. 15, 24 feet 7 inches on Natchez street, rented at \$1200—valued at \$20,000

1 prize, Ditto, adjoining the Arcade, No. 18, 23 feet front on Natchez street; rented at \$1200—valued at \$20,000

1 prize, Ditto, adjoining the Arcade, No. 20, 23 feet front on Natchez street; rented at \$1200—valued at \$20,000

1 prize, Ditto, No. 20, North-East corner of Basin and 1st custom house street; 40 feet front on Basin, and 40 feet on Franklin street, by 127 feet deep in Custom-house street; rented at \$1200—valued at \$20,000

1 prize, Ditto, No. 24, South-west corner of Basin and 1st custom house street; 32 feet 7 inches on Basin, 32 feet 7 inches on Franklin street; 127 feet 10 1/2 inches deep in front of 1st custom house street; rented at \$150—valued at \$20,000

1 prize, Ditto, No. 33, 24 feet 8 inches on Royal street, by 127 feet 11 inches deep; rented at \$100—valued at \$15,000

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1 prize, Ditto, No. 33, 24 feet 8 inches on Royal street, by 127 feet 11 inches deep; rented at \$100—valued at \$15,000

1 prize, Ditto, No. 33, 24 feet 8 inches on Royal street, by 12



CHARTERED by the Legislature of Kentucky in March last. CAPITAL 300,000 DOLLARS!—This Company will insure Buildings, Furniture, Merchandise, &c. against Loss or Damage by Fire, in Town or Country, Steam, Keel and Flat Boats, and their CARGOES against the Damages of inland or river Navigation; and PROPERTY of every description, against the perils of the sea.

This Company will also INSURE LIVES, for one or more years, or for life! The owners of Negro Men, Slaves employed in Factories, or on Farms, will find it to their advantage to call."

The following are the officers chosen by the stockholders:

JOHN W. HUNT, President.  
W. M. S. WALLER,  
JACOB ASHTON,  
M. C. JOHNSON,  
DANIEL VERTNER,  
THOS. C. OKEAR,  
H. H. TIMBERLAKE,  
A. O. NEWTON, Secretary.

ALFAN STEPHENS, Surveyor.

Lex. May 7, 1838 21-tf

### Plough Making & Black-smithing.



THE Subscribers respectfully inform their friends and the public generally, that they have purchased the well known establishment, formerly belonging to Mr. William Rockhill, and are now prepared to furnish all articles in their line, on short notice. The PLOUGH-MAKING Business will be continued in all its branches, and a good assortment of the latest improved Ploughs kept constantly on hand. Old Ploughs repaired with neatness and despatch.

WM. P. BROWNING,  
JOHN HEADLEY,

UNDER THE FIRM OF BROWNING & HEADLEY.

N. B. We wish to employ a first rate Plough-Stocker, or Wagon Maker, to whom constant employment will be given. Also—2 or 3 Apprentices in the Smithshop, of respectable parentage, and who can come well recommended.

Lex Sep 7.—53-tf

### KENTUCKY STEAM HAT FACTORY,

No. 38, West Main-Street, corner of Main-Cross St., LEXINGTON, KENTUCKY.

### WILLIAM F. TOD,

[Successor to Bain & Son.]

CONTINUES in successful operation his unequalled facilities in the application of STEAM AND MACHINERY to the MANUFACTURE of HATS, which he hopes will at all times enable him to supply his customers and all who may desire to purchase, either at WHOLESALE OR RETAIL, with every variety of

### Fur and Silk Hats.

The most desirable and fashionable article the market affords.

Just received, the Philadelphia and New York Winter Fashions for 1838 and 9, for Gentlemen's Hats

December 27, 1838 52-\$100/ttf



### TINNING! TINNING!

#### James Burch & J. C. Noble,

Have entered into a Co-partnership in the above business, and taken the stand lately occupied by E. S. Noble, dec'd, on HUNT'S ROW.

They have on hand a Large and Good assortment of

#### TINWARE,

which they will sell at WHOLESALE or RETAIL, on good terms.

HOUSE-GUTTERING, will be made to order, of the most substantial materials, and put up in Fayette and the adjoining counties, on the most reasonable terms.

#### Mending of Chairs and other Lamps,

and, in fact, ALL KINDS of ornamental house furniture in their line, will be neatly executed.

They have on hand a few of the NEWLY INVENTED WOOD AND LABOUR SAUING

#### COOKING STOVES,

Of various patterns, which can be heated for all the ordinary purposes of cooking, for 12 months, with 2 and one-tenth cords of wood.

They can insure their work to be done in the best style, as they have procured the services of a First Rate Eastern workman, and one of the firm (Mr. Burch) will superintend the business of the establishment. They invite their friends and the public to give them a call.

Lexington, Jan. 8, 1839.

#### TO HEMP MANUFACTURERS.

THE subscriber has invented a HEMP HECKLE, which may be put in operation by any power. The Hemp and Tow are put in good order with very little labour. Any person wishing information on the subject are referred to William Alexander near Paris, who has one of my Heckles in operation though not yet completed. The machinery is simple and durable. Any person endeavoring to make a machine of the above description, without permission, will be treated as they deserve. Communications addressed to the subscriber in Shelyville, will be promptly attended to.

FOSTER DEMASTERS.

October 4, 1838 40-tf

#### Boot and Shoe Manufactory.

R. OWENS would most respectfully inform the citizens of Lexington and the public generally, that he is now receiving, and intends to keep constantly on hand, a large assortment of DOUBLE SOLE FRENCH BOOTS—and also a large lot of CORK suitable for manufacturing Cork Sole Boots and Shoes. Also, a large assortment of coarse Men's and Childen's Brogans, all of which he will sell as low for Cash, as any other house in the city. He invites the public to call and examine his stock, as he feels confident they cannot be surprised.

RICHARD OWENS,

Main street, opposite Brennan's Hotel.

N. B. In addition to his English and French work, he would inform the public that every description of BOOTS and SHOES are manufactured on the shortest notice and most favorable terms.

Lexington, Dec 13, 1838—50 tf

E. PERKINS.

THE subscriber respectfully informs the public generally, that he has taken the stand, formerly occupied by David Megowan, and more recently by Wm. Stoops, at the corner of Water and Mulberry streets, opposite the upper end of the Market House, and hopes by attention to business to receive a liberal share of public patronage.

THIS BAR IS WELL FURNISHED,

TABLE GOOD, BED ROOMS COMFORTABLE, HORSES WELL ATTENDED TO;

And being well known himself through the State, he will not here make promises, but trusts that his endeavors to please will be crowned with success.

DAY AND WEEKLY BOARDERS well accommodated, on reasonable terms.

E. PERKINS.

Lexington, Nov 29, 1838—48 tf

#### FEMALE CORDIAL OF HEALTH.

THIS invaluable preparation is a medicated Wine, pleasant to the taste, grateful to the stomach, and eminently tonic in its effects. But its highest and best quality is in its specific and curative effects on female weaknesses.

Very many of the wives and mothers among us are condemned to untold sufferings, by diseases arising from local and general debility; and because they find no relief from the strengthening remedies in common use, they are too often given up by the Faculty as incurable. Weaknesses, as well as the pains in the back and limbs, with which such females are afflicted, will all yield to the sovereign and infallible effects of this CORDIAL OF HEALTH. And for the weaknesses consequent upon the obstructions and irregularities to which unmarried and young females are subject, there is no remedy in the whole Materia Medica, which combines such innocent and curative virtues.

Prepared by Edward Prentiss, sole proprietor, and sold by Daniel Bradford, at the Office of the Kentucky Gazette, Lexington.

JABEZ BEACH,

A now on hand a COACH & four very fine COACHEES, CHARIOTES, BAROUCHES and BUGGIES, all of the first quality, manufactured at New-Ark, New-Jersey, which will be sold on the lowest terms.

Any person wishing a carriage of any description, can buy an order, have the same forwarded from the manufacturers at New-Ark, free of commission.

Lexington, Sept. 15, 1838—55 tf

JOHN R. CLEARY.

PORTER, ALE AND BEER.

He returns thanks to his old customers for their liberal patronage, which has enabled him to stop all IMPORTATION, and circulate that CAPITAL in our city and vicinity, which has been for so many years past, distributed in FOREIGN MARKETS.

His BEER season commenced on the first of September. Orders from the adjacent towns will be attended to at the Distillers will be furnished with Malt and Hops, and Farmers supplied with Fall and Spring Barley Seed.

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